

PATENT APPLICATION
CS8535
LeA 36,334

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF: DUNKEL ET AL.)
SERIAL NO: 10/538,242) EXAMINER: D. Williams
FILED: 12/01/2003)
TITLE: BIPHENYLCARBOXAMIDES)

PCT OPERATIONS
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

SECOND PETITION UNDER CFR 1.181

Dear Sirs:

In response to the Decision on Petition under 37 CFR1.181 dated 17 August 2007, applicant respectfully requests the Director reconsider the decision based on submission of the following requirements set forth in 37 CFR1.8(b).

Item 1. Petitioner has satisfied this requirement as stated in the Decision on Petition under 37CFR1.181 dated 17 August 2007.

EXPRESS MAIL NO.: EB312820933US

I hereby certify that this paper or fee is being deposited with the United States Postal "Express Mail Post Office to Addressee" service under 37CFR1.10 on the date indicated above and is addressed to Mail Stop PCT Operations, Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date of Deposit: October 10, 2007

Susan Strickland
Susan Strickland

Item 2. Petitioner submits an additional copy of the previously transmitted correspondence (5 pgs consisting of 2 pgs of facsimile cover sheet, 3 pgs of Combined Declaration and Power of Attorney form), transmission sheet confirmation (1pg) and an auto reply transmission from the United States Patent and Trademark Office (1 pg) transmitted on 15 December 2005.


Item 3. Petitioner submits a Declaration from Richard E.L. Henderson stating first hand knowledge of the previous Submission of Missing Parts under 35 U.S.C. 371 on 15 December 2005, with attachments providing proof of submission.

Petitioner believes all items listed in the Decision on Petition under 37 CFR1.8(b) dated 17 August 2007 are now satisfied.

Applicants respectfully request that the Submission of Missing Parts be afforded the original submission date of 15 December 2005.

This is authorization to charge any additional fees due with this filing to Deposit Account Number 50-2510.

Respectfully submitted,

By 
Richard E.L. Henderson
Petitioner for Applicants
Reg. No. 31,619

Bayer CropScience LP
2 T.W. Alexander Drive
Research Triangle Park, NC 27709
Ph: 919-549-2183
Fax: 919-549-3994

I hereby appoint:

- Practitioner associated with the Customer Number: 34469

as my/our attorney(s) or agent(s) to prosecute the application identified and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

- The address associated with the above-mentioned Customer Number.

FULL NAME OF SOLE OR FIRST INVENTOR Ralf Dunkel	INVENTOR'S SIGNATURE <i>Ralf Dunkel</i>	DATE 2005-05-11
RESIDENCE D 40789 Monheim, Germany		CITIZENSHIP German
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF SECOND INVENTOR Hans-Ludwig Elbe	INVENTOR'S SIGNATURE <i>Hans-L. Elbe</i>	DATE 2005-06-01
RESIDENCE 42329 Wuppertal, Germany		CITIZENSHIP German
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF THIRD INVENTOR Heiko Rieck	INVENTOR'S SIGNATURE <i>Heiko Rieck</i>	DATE 2005-06-10
RESIDENCE F 69110 Ste. Foy-lès-Lyon, France		CITIZENSHIP German
POST OFFICE ADDRESS 9, rue Claude Monet, F 69110 Ste. Foy-lès-Lyon, France		
FULL NAME OF FOURTH INVENTOR Ulrike Wachendorff-Neumann	INVENTOR'S SIGNATURE <i>Ulrike Wachendorff-Neumann</i>	DATE 2005-05-13
RESIDENCE D 56566 Neuwied, Germany		CITIZENSHIP German
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF FIFTH INVENTOR Peter Dahmen	INVENTOR'S SIGNATURE <i>Peter Dahmen</i>	DATE 2005-05-13
RESIDENCE D 41470 Neuss, Germany		CITIZENSHIP German
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF SIXTH INVENTOR Peter Lösel	INVENTOR'S SIGNATURE <i>Peter Lösel</i>	DATE 6.6.05
RESIDENCE D 51371 Leverkusen, Germany		CITIZENSHIP British
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF SEVENTH INVENTOR Karl-Heinz Kuck	INVENTOR'S SIGNATURE <i>Karl-Heinz Kuck</i>	DATE 2005-05-30
RESIDENCE D 40764 Langenfeld, Germany		CITIZENSHIP German
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		

COMBINED DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO

As a below named inventor, I/we hereby declare that:

My/our residence, post office address and citizenship are as stated below next to my/our name. I/we believe I am/we are the original, first and sole/joint inventor/s of the subject matter which is claimed and for which a patent is sought on the invention entitled

BIPHENYLCARBOXAMIDES

the specification of which is attached hereto,

or was filed on **December 1, 2003**

as a PCT Application Serial No. **PCT/EP2003/013498**

I/we hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims.

I/we acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I/we hereby claim priority benefits under Title 35, United States Code, §119 and § 119(e)(1) of any foreign and/or U.S. provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

102 58 314.5
(Number)

Germany
(Country)

December 13, 2002
(Month/Day/Year Filed)

I/we hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I/we acknowledge the duty to disclose the material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I/we hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Bayer CropScience



Date December 15, 2005

To PCT OPERATIONS

Company USPTO

Fax 571-273-3201 Pages 5

From Richard E.L. Henderson

Fax 412-777-3902/3912 Tel. 412-777-3860

Re: **CS-8535/LeA 36,334**
PCT/EP2003/013498
Serial No. 10/538,242

FAX

**SUBMISSION OF MISSING PARTS OF APPLICATION UNDER 35
U.S.C. 371**

Please find enclosed a Combined Declaration and Power of Attorney, executed by all of the inventors, to complete the subject application which was filed on June 7, 2005. Please charge the fee for filing the Declaration on a date later than the filing date, \$130.00, to Deposit Account No. 50-2510. This paper is also authorization to charge any insufficiency of fees which may be required to Deposit Account No. 50-2510.

NOTICE OF CONFIDENTIALITY

The information contained in and transmitted with this facsimile may be confidential, subject to the attorney-client privilege, attorney work product, and/or exempt from disclosure under applicable law and is intended only for the individual or entity named above. If you are not the intended recipient, you are hereby notified that inadvertent disclosure of this information to you does not constitute a waiver of confidentiality or privilege and that any review, disclosure, copying, or use of the contents of the facsimile by you is prohibited. If you have received this facsimile in error, please immediately call the sender collect at the above phone number, so that we can arrange for the return of the original facsimile at our cost.

Page 2 of 2

Applicants respectfully request a Notice of Acceptance under 35 U.S.C. 371 be sent to Applicants' address of record.

A handwritten signature in black ink, appearing to read "Richard E.L. Henderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard E.L. Henderson
Reg. No. 31,619

FULL NAME OF EIGHTH INVENTOR Ast. d Mauler-Machnik		INVENTOR'S SIGNATURE <i>[Signature]</i>		DATE 10.05.20
RESIDENCE D 42799 Leichlingen, Germany		CITIZENSHIP German		
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany				
FULL NAME OF NINTH INVENTOR Jörg Nico Greul		INVENTOR'S SIGNATURE <i>[Signature]</i>		DATE 11.05.20
RESIDENCE D 42799 Leichlingen, Germany		CITIZENSHIP German		
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany				
FULL NAME OF TENTH INVENTOR		INVENTOR'S SIGNATURE		DATE
RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				
FULL NAME OF ELEVENTH INVENTOR		INVENTOR'S SIGNATURE		DATE
RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				
FULL NAME OF TWELFTH INVENTOR		INVENTOR'S SIGNATURE		DATE
RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				
FULL NAME OF THIRTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE
RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				
FULL NAME OF FOURTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE
RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				
FULL NAME OF FIFTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE
RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				
FULL NAME OF SIXTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE
RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				
FULL NAME OF SEVENTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE
RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				

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*** TX STATUS REPORT ***

AS OF DEC 15 2005 14:10 PAGE.01

BAYER PATENT DEPT

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	JOB#	STATUS
30	12/15 14:09	USPTO	EC--S	01'13"	005	061	OK

Bayer CropScience



Date December 15, 2005

To PCT OPERATIONS

Company USPTO

Fax 571-273-3201 Pages 5

From Richard E.L. Henderson

Fax 412-777-3902/3912 Tel. 412-777-3860

Re: CS-8535/LaA 38,334
PCT/EP2003/013498
Serial No. 10/538,242

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Auto-Reply Facsimile Transmission



TO:

Fax Sender at 412 777 3912

Fax Information

Date Received:

Total Pages:

12/15/2005 2:08:29 PM [Eastern Standard Time]
5 (including cover page)

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Page
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DEC 15 2005 14:09 FR BAYER PATENT DEPT 412 777 3912 TO 915712733201 P.01/05

Bayer CropScience



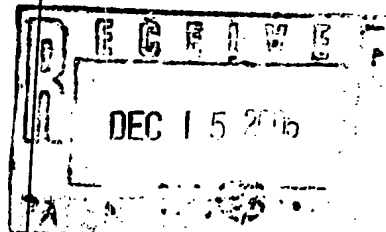
Date December 13, 2005
To PCT OPERATIONS
Company USPTO
Fax 571-273-3201 Pages 5
From Richard E.L. Henderson FAX
Fax 412-777-3902/3912 Tel. 412-777-3860
Re: CS-8536/LeA 38,334
PCT/EP2003/013498
Serial No. 10/538,242

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PATENT APPLICATION
CS8535
LeA 36,334

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF: DUNKEL ET AL.)	GROUP:
)	
SERIAL NO: 10/538,242)	EXAMINER: D. Williams
)	
FILED: 12/01/2003)	
)	
TITLE: BIPHENYLCARBOXAMIDES)	

PCT OPERATIONS
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

DECLARATION OF RICHARD E.L. HENDERSON

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Attn: BOX PCT

Sirs:

I, Richard E.L. Henderson, attorney for applicants in the above-identified application, declare that I have firsthand knowledge of the previous transmission of Submission of Missing Parts of Application Under 35 USC 371 on 15 December 2005. I executed the facsimile document on 15 December 2005 and it was submitted on that same date. According to our internal mailing/transmission procedures, items for submission to the USPTO are recorded into a daily journal on the date of submission. As proof of evidence I am enclosing a copy of the journal pages from 15 December 2005 in which the facsimile transmission to the USPTO for case number CS8535/LeA36,334 is recorded. A copy of the original facsimile with its contents, the Facsimile Transmittal and Auto Reply Facsimile Transmission from the USPTO are attached.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 10th day of October, 2007, at Research Triangle Park, NC.

A handwritten signature in black ink, reading "Richard E.L. Henderson", is written over a horizontal line.

Richard E.L. Henderson, Reg. 31,619
Attorney for Applicants

December 15, 2005 - Thursday

PO 8693/MO04-84 (LB)
 Fee Transmittal (2); Utility Patent Application
 Transmittal (2); Patent Application with
 Combined Declaration & Power of Attorney;
 Assignment with Recordation Form.
 PTO 1449 Exp Mail Proc.
 MoCo 13-3848 \$1,000.00 + 40.00

✓ PO-8685-USN / 53699 (LW)
 Revocation of Power of Attorney with New Power of
 Attorney and Change of Correspondence Address;
 Statement Under 37 CFR 3.73(b); Recordation Form
 Cover Sheet and Assignment (copy)

✓ PO-8686-US / 53699 (LW)
 Revocation of Power of Attorney with New Power of
 Attorney and Change of Correspondence Address;
 Statement Under 37 CFR 3.73(b); Recordation Form
 Cover Sheet; Assignment (copy)

✓ PO-8688 / 53699 (LW)
 Revocation of Power of Attorney w/ New Power of
 Attorney and Change of Correspondence Address;
 Statement Under 37 CFR 3.73(b); Recordation
 Form Cover Sheet; Assignment (copy)

✓ PO-8687-US / 53699 (LW)
 Revocation of Power of Attorney with New Power of
 Attorney and Change of Correspondence Address;
 Statement Under 37 CFR 3.73(b); Recordation
 Form Cover Sheet; Assignment (copy)

✓ ~~PO~~ PO 8685 US (LW)
 Revocation; Change of Address

Thursday - December 15, 2005 (continue)

PO-8697/MD02-18.5 (DB)

Fee Transmittal (2); Patent Application Transmittal (2); Patent Application with Declaration and Power of Attorney; Assignment Transmittal; Assignment; PTO Form 1449

Mo Co 13-3848 \$1,000.00 + \$40.00 Exp Mail Proc

PO-8000/MD-02-31 (JM)

Issue Fee Transmittal & Certificate of Mailing; Publication Fee

Mo Co 13-3848 \$1,400.00 + \$300.00 + \$30.00

PO8694/MD05-34 (DB)

Fee Transmittal (2); Utility Patent Application Transmittal (2); Patent Application with Combined Declaration and Power of Attorney; Assignment with Recordation Form; PTO 1449 Exp Mail Proc.

MoCo 13-3848 \$1,000.00 + 40.00 Proc.

PO 8695/MD04-125 (DB)

Fee Transmittal (2); Utility Patent Application Transmittal (2); Patent Application without Combined Declaration & Power of Attorney; PTO 1449 Exp Mail Proc.

MoCo 13-3848 \$1,000.00

CS 78430/LeA 34,833D (RH)
Preliminary Amendment

PO7658/LeA 36,119 (AP)
Amendment

PO8377/LeA 34,817 (JM)

Response and Amendment Under 37 CFR 1.111

Thursday - December 15, 2005 (Continued)

PO-8518/SBU-159 (LW)

The Transmittal (2); Patent Application Transmittal (2); Patent Application with Declaration and Power of Attorney; Assignment Transmittal; Assignment; PTO Form 1449 and copies of foreign references; Priority Document JP 2004-375415; Certified Translation of P 2004-375415
Mo Co 13-3848 - \$1,000.00 + \$40.00 EXP Mail Rec

PO 7506/LeA 35,966 (AP)
Response

Mo-7487/Lea 35,810 (JM)
Response and Amendment

CS-8631/BCS 055007 (RA)
Recordation Form Cover Sheet; Assignment
Mo Co 50-2510 - \$40.00

PO-8639/BMS 051104 (LW)
Recordation Form Cover Sheet; Assignment
Mo Co 13-3818 - \$40.00

CS-8473/Lea 36,223 (RH)
Recordation Form Cover Sheet; Assignment
Mo Co 50-2510 - \$40.00

CS-8406/Lea 36,087 (RH)
Information Disclosure Statement Under 37 C.F.R. 1.97(d); Form PTO 1449 and articles listed therein

CS 8535/Lea 36,334 (RH)

Submission of Missing Parts; Declaration
Mo Co 50-2510 \$130.00

CS-8561/Lea 36,404 (RH)

Submission of Missing Parts; Declaration

FAXED TO USPTO

*** TX STATUS REPORT ***

AS OF DEC 15 2005 14:10 PAGE.01

BAYER PATENT DEPT

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	JOB#	STATUS
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Bayer CropScience



Date December 15, 2005

To PCT OPERATIONS

Company USPTO

Fax 571-273-3201 Pages 5

From Richard E.L. Henderson

Fax 412-777-3902/3912 Tel. 412-777-3860

Re: CS-8535/LA 36,334
PCT/EP2003/013498
Serial No. 10/538,242

FAX

**SUBMISSION OF MISSING PARTS OF APPLICATION UNDER 35
U.S.C. 371**

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DEC 15 2005 14:09 FR BAYER PATENT DEPT 412 777 3912 TO 915712703201 P.01/05

Bayer CropScience



Date December 15, 2005

To PCT OPERATIONS

Company USPTO

Fax 571-273-3201 Pages 5

From Richard E.L. Henderson FAX

Fax 412-777-3902/3912 Tel. 412-777-3860

Re: CS-8936/LeA 38,334
PCT/EP2003/013498
Serial No. 10/538,242

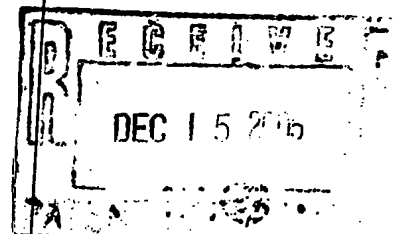
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—PAGE 05 * RCVD AT 12/15/2005 2:08:29 PM [Eastern Standard Time] * SVR:USPTO-EPXRF 4:29 * DNIS:2733201 * C800:412 777 3912 * DURAT ON (mm:ss):01:42



Bayer CropScience



Date December 15, 2005

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Fax 571-273-3201 Pages 5

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Page 2 of 2

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Richard E.L. Henderson

Richard E.L. Henderson
Reg. No. 31,619

COMBINED DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO

As a below named inventor, I/we hereby declare that:
My/our residence, post office address and citizenship are as stated below next to my/our name. I/we believe I am/we are the original, first and sole/joint inventor/s of the subject matter which is claimed and for which a patent is sought on the invention entitled
BIPHENYLCARBOXAMIDES

the specification of which is attached hereto,

or was filed on **December 1, 2003**

as a PCT Application Serial No. **PCT/EP2003/013498**

I/we hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims.

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I/we hereby claim priority benefits under Title 35, United States Code, §119 and § 119(e)(1) of any foreign and/or U.S. provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

102 58 314.5
(Number)

Germany
(Country)

December 13, 2002
(Month/Day/Year Filed)

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(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I/we hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:


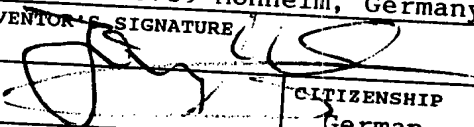
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as my/our attorney(s) or agent(s) to prosecute the application identified and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

- The address associated with the above-mentioned Customer Number.

FULL NAME OF SOLE OR FIRST INVENTOR Ralf Dunkel		INVENTOR'S SIGNATURE <i>Ralf Dunkel</i>	DATE 2005-05-11
RESIDENCE D 40789 Monheim, Germany		CITIZENSHIP German	
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FULL NAME OF FIFTH INVENTOR Peter Dahmen		INVENTOR'S SIGNATURE <i>Peter Dahmen</i>	DATE 2005-05-13
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FULL NAME OF SIXTH INVENTOR Peter Lösel		INVENTOR'S SIGNATURE <i>Peter Lösel</i>	DATE 6.6.05
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FULL NAME OF EIGHTH INVENTOR Ast. d Mauler-Machnik		INVENTOR'S SIGNATURE 		DATE 11.05.21
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RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				
FULL NAME OF TWELFTH INVENTOR		INVENTOR'S SIGNATURE		DATE
RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				
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RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				
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FULL NAME OF FIFTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE
RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				
FULL NAME OF SIXTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE
RESIDENCE		CITIZENSHIP		
POST OFFICE ADDRESS				
FULL NAME OF SEVENTEENTH INVENTOR		INVENTOR'S SIGNATURE		DATE
RESIDENCE		CITIZENSHIP		
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